

Message Text

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ORIGIN EA-10

INFO OCT-01 ISO-00 L-02 JUSE-00 RSC-01 /014 R

DRAFTED BY EA/J:DGBROWN:BB

APPROVED BY EA/J:WPIEZ

DOJ - MR. MCLAUGHLIN

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P 181658Z DEC 74

FM SECSTATE WASHDC

TO AMEMBASSY TOKYO PRIORITY

UNCLAS STATE 276824

E.O. 11652:N/A

TAGS: CGEN, JA

SUBJECT: DEPARTMENT OF JUSTICE DEPOSITION REQUEST

REF: STATE 16271

1. JUDGE CONTI OF US DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA HAS INFORMED JUSTICE DEPARTMENT THAT IF FIRM DATES FOR DEPOSITIONS HAS NOT BEEN SET BY DECEMBER 27, HE INTENDS TO RESCIND DEPOSITION ORDER. FYI: THIS WARNING REFLECTS CONTI'S GROWING IMPATIENCE OVER SCHEDULING OF DEPOSITIONS, AND JUSTICE BELIEVES CONTI MAY WELL CARRY THROUGH WITH THIS THREAT. END FYI

2. EMBASSY REQUESTED TO INFORM GOJ OF JUDGE'S INTENTION TO RESCIND DEPOSITION ORDER IF FIRM DATE FOR DEPOSITIONS NOT SET BY DECEMBER 27. EMBASSY SHOULD EMPHASIZE THE GREAT IMPORTANCE USG PLACES UPON SUCCESSFUL PROSECUTION OF THIS CASE AND THE NECESSITY OF OBTAINING DEPOSITION TESTIMONY IN ORDER TO CONVICT MAJOR DEFENDANTS WHO HAVE VIOLATED BOTH JAPANESE AND US NARCOTICS LAWS. EMBASSY SHOULD INDICATE THAT, WHILE RECOGNIZING MULTITUDE OF PROBLEMS INVOLVED IN THIS FIRST SUCH FOREIGN DEPOSITION, DEPT HOPES GOJ WILL COOPERATE IN SCHEDULING DEPOSITION IN LIGHT OF PAST CLOSE COOPERATION BETWEEN US AND JAPAN ON NARCOTICS MATTERS AND ASSISTANCE DEA HAS RENDERED TO
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JAPANESE AUTHORITIES.

3. EMBASSY SHOULD DO ITS UTMOST TO OBTAIN GOJ DECISION ON SCHEDULING DEPOSITIONS, EXPRESSING PREFERENCE FOR WEEK OF JAN 6 BUT INDICATING THAT ANY DATES IN JANUARY ACCEPTABLE. AT THIS DISTANCE, DEPT. UNABLE TO ASSESS FACTORS DELAYING JAPANESE DECISION. EMBASSY REQUESTED TO CONSIDER DESIRABILITY OF RAISING MATTER URGENTLY WITH FONOFF AT HIGH LEVEL CALCULATED TO OVERCOME DELAYS. IF THERE ARE ANY FURTHER ACTIONS THAT CAN BE TAKEN IN WASHINGTON TO FACILITATE GOJ DECISION, PLEASE INFORM.

4. APPLICATIONS FOR JAPANESE VISAS FOR THREE DEFENDANTS (ALL EXCEPT POWELL, WHOSE DELAYING MAY BE INTENTIONAL) ARE BEING HANDED TO JAPANESE CONGEN SAN FRANCISCO DECEMBER 18 WITH REQUEST THAT THEY BE SENT TO TOKYO BY TELEGRAM AND HANDLED EXPEDITIOUSLY. KISSINGER

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